10 HOUR BAKERY LAW INVALID

U. S. SUPREME COURT REVERSES THE COURT OF APPEALS.

The Court Holds That It Interferes With the Right of Contract Between Employer and Employees Guaranteed by the 14th Constitutional Amendment.

WASHINGTON, April 17.—The New York law prohibiting an employee of a bakery from working more than ten hours a day or sixty hours a week was to-day declared by the Supreme Court to be void as in violation of the freedom of contract guaranteed by the Constitution.

The appeal was brought by Joseph Lochner, a Utica baker, who was convicted by the Oneida County Court of violating the law, and the Appellate Division of the New York Supreme Court affirmed the judgment by a court divided 2 to 1. The Court of Appeals likewise affirmed the sentence and the validity of the law by a bare majority of 4 to 3, Judge Alton B. Parker delivering the opinion of the court. The decision reversing the judgment of the New York Court of Appeals was also by a bare majority of 5 to 4.

Justice Peckham, in delivering the majority opinion, said the mandate of the statute that "no employee shall be required or permitted to work" was the substantial equivalent of an enactment that no employee shall contract or agree to work more than ten hours per day, and as there was no provision for special emergencies the statute was mandatory in all cases. It was not an act merely fixing the number of hours which should constitute a legal day's work, but absolute prohibition upon the employer permitting under any circumstances more than ten hours work to be done in his establishment. The employee was forbidden even to earn any extra money by working overtime.

The statute necessarily interfered with the right of contract between employer and employee, which was part of the liberty guaranteed by the Fourteenth Amendment which included the right to purchase or sell labor unless there were circumstances which excluded the right. There were, however, certain powers existing in the sovereignty of each State in the Union, somewhat vaguely termed police powers, the exact description and limitation of which had not been attempted by the courts. These powers, broadly stated and without at present any attempt at a more specific limitation, related to safety, health, morals and general welfare of the public.

Both property and liberty were held on such reasonable conditions as might be imposed by the governing power of the State in the exercise of these powers, and with such conditions the Fourteenth Amendment was not designated to interfere. The State, therefore, had power to prevent the individual from making certain kinds of contract and in regard to them the Federal Constitution offered no protection. But when the State, in the exercise of its police powers, had passed an act which seriously limited the right to labor or the right of contract in regard to their means of livelihood between persons, both employer and employee, it became of great importance to determine which should prevail—the right of the individual to labor for such time as he chose or the right of the State to prevent the individual from laboring or from entering into any contract to labor beyond a certain time prescribed by the State.

The court had recognized the existence and upheld the exercise of the police power of the States in many cases which might fairly be considered as border ones, among them being the affirmance of the Utah law limiting to eight the number of hours for mine laborers and smelters, and the Kansas eight hour law, in both of which there was provision made for emergencies. The Massachusetts vaccination law, decided at this term, was another instance. But there must, of course, be a limit to the valid exercise of the police power by the State, for otherwise the Fourteenth Amendment would have no efficacy, and it would be enough to say of any State legislation that it conserved the morals, the health or safety of the people to make it valid. The claim of the police power would be a mere pretext and become another and delusive name for the supreme sovereignty of the State to be exercised free from constitutional restraint.

The question, therefore, said Judge Peckham was whether the New York law was fair, reasonable and appropriate exercise of the police power, or an unreasonable, unnecessary and arbitrary interference with the right of the individual to his personal liberty or to enter into these contracts in relation to labor which might seem to him appropriate or necessary for the support of himself and his family. Of course the liberty of contract relating to labor included both parties to it. The one had as much right to purchase as the other to sell labor. As a labor law pure and simple it was invalid. There was no reasonable ground for interfering with the liberty of person or the right of free contract, by determining the hours of labor, in the occupation of a baker.

There was no contention that bakers, as a class, were not equal in intelligence and capacity to men of other trades or manual occupations, or that they were not able to assert their rights and care for themselves without the protecting arm of the State interfering with their independence of judgment and of action. They were in no sense the wards of the State. The interest of the public, therefore, was not affected. Clean and wholesome bread did not depend on the hours the baker labored, and the limitation of the hours of labor did not come within the police power on that ground. The act must have a more direct relation to public health, as a means to an end, and the end itself must be appropriate and legitimate before it could be valid.

"We think," says the opinion, "that the limit of the police power has been reached and passed in this case. There is in our judgment no reasonable foundation for holding this to be necessary or appropriate as a health law to safeguard the public health or the health of the individuals who are following the trade of baker." If this statute be valid, there would seem to be no length to which legislation of this nature might go. The trade of a baker was not such an unhealthy one as would authorize the State in interfering with his hours of labor, said the Justice.

Labor in any department of life might possibly carry with it seeds of unhealthiness, but pursuing that principle would put every occupation under the power of the Legislature, and no trade, occupation or mode of earning one's living could escape.

On the same line it was contended that it was to the interest of the State that its population should be strong and robust, and any legislation to that end would be valid as health laws, enacted under the police power. Under that presumption not only could the hours of employers and employees be regulated, but doctors, lawyers, scientists and all professional men, as well as athletes and artisans, could be forbidden to fatigue their brains and bodies by prolonged hours of exercise lest the fighting strength of the State be impaired.

Justice Peckham said he had referred to these contentions that it was a health law because they were so slim as to give rise to "the suspicion that there was some other motive dominating the Legislature than the purpose to subserve the public health or welfare." This interference on the part of the Legislatures of the several States with the ordinary trades and occupations of the people seemed to be on the increase, he said. He referred to the horseshoeing laws passed by New York, Washington and Illinois, all declared an invalid exercise of the of the police powers and continued:

"It is impossible for us to shut our eyes to the fact that many of the laws of this character, while passed under what is claimed to be the police power for the purpose of protecting public health or welfare are in reality passed from other motives. We are justified in saying so when, from the character of the law and the subject upon which it legislates, it is apparent that the public health or welfare bears but the most remote relation to the law. The purpose of a statute must be determined from the natural and legal effect of the language employed and whether it is or is not repugnant to the constitution of the United States must be determined from the natural effect of such statutes when put into operation, and not from their proclaimed purpose. The court looks beyond the mere letter of the law in such cases.

"It is manifest to us that the limitation of the hours of labor as provided for in this section of the statute under which the indictment was found and the plaintiff in error convicted has no such direct relation to, and no such substantial effect upon, the health of the employee as to justify us in regarding the section as a health law. It seems to us that the real object and purpose was simply to regulate the hours of labor between the master and his employee in a private business, not dangerous in any degree to morals or in any real and substantial degree to the health of the employee. Under such circumstances the freedom of master and employee to contract with each other in relation to their employment and defining the same, cannot be prohibited or interfered with without violating the Federal Constitution."

Justices Harlan, White, Day and Holmes dissented. Justice Harlan, in an opinion, said that no more important and far reaching judgment had been handed down by the court in the last hundred years. It worked a revolution in the relationship between the court and the States in what had heretofore been considered purely domestic affairs of the States. He denounced the new doctrine as far reaching and dangerous, which would surely cripple the powers of the State.

Joseph Lochner was convicted in the Oneida County Court in 1902 of a misdemeanor, in having violated section 110, Article 8, of the Labor Law passed in 1897. That section read:

"No employee shall be required or permitted to work in a biscuit, bread or cake bakery or confectionery establishment more than sixty hours in any one week, or more than ten hours in any one day, unless for the purpose of making a shorter work day on the last day of the week, nor more hours in any one week than will make an average of ten hours per day for the number of days during such week in which such employee shall work."

Lochner was a boss baker, and allowed his employees to work over ten hours a day. William S. Mackie and Smith M. Lindsley appeared before the Court of Appeals in October, 1903, to argue Lochner's appeal from the decision of the Appellate Division, Fourth Department, which court had affirmed Lochner's conviction. Assistant District Attorney Timothy Curtin argued the case in behalf of the People, and the Court of Appeals, Judge Parker writing the main opinion, upheld the lower courts, on the broad ground that the section in question was an exercise of the general police power of the Legislature relating to the public health, and therefore violated no provision of the State or Federal Constitution. The United States Supreme Court has now reversed that judgment, holding that the section violates the freedom of contract guaranteed to citizens by the Federal Constitution. A similar freedom is guaranteed by the Constitution of this State.

In Lochner's behalf it was contended at Albany that section 110 violated this freedom of contract; that it was not a proper exercise of police power, since by its terms it did not pretend to refer to the matter of health, and actually had no connection with the public health; that it unjustly discriminated against bakers as compared with other trades, and lastly, that it unjustly conferred special privileges upon certain bakers.

Judge Parker based his opinion on the view that the section came absolutely within the police power of the Legislature as a health measure and therefore did not violate the first section of the Fourteenth amendment to the Constitution of the United States, which provides that no person or State shall make or enforce any law which shall abridge the privileges or immunities of citizens, or which shall deprive any person of life, liberty or property without due process of law, or deny to any person the equal protection of the laws.

Judge Parker quoted from many Federal opinions to show that the United States Supreme Court held that safety or health provisions relating to labor hours do not infringe upon the Federal Constitution. It remained therefore, he said, to determine whether section 110 did provide for such a legal safeguard. After a lengthy examination of the law, he concluded that the whole purpose of Article VIII. of the Labor law, and every part of it, was to benefit the public, and came therefore within the police power.

Judges Gray, Vann and Haight concurred with Judge Parker, the first two writing independent opinions, in which they concluded that section 110 was a valid statutory regulation, promotive of the public health, because it compelled a master baker to conduct his establishment in such a manner as to least affect his product prejudicially.

Judges O'Brien and Bartlett wrote dissenting opinions, and Judge Martin concurred with them. The Court thus stood 4 to 3 for affirmance.

Judge O'Brien based his dissenting opinion on the ground that the facts stated in the indictment did not constitute a crime, and that the demurrer interposed by the defendant should have been sustained and Lochner discharged. He said in part:

"It will be seen from an examination of the law that there is no prohibition against the act of the servant himself in working longer than the statutory time. He may work as many hours as he likes during the day and he violates no law and commits no offence whatever. So the broad question is whether a statute which makes it a crime for the master to permit his servant to do what the servant has a perfect right to do can be a valid law."

Judge O'Brien went on to declare that he could see nothing in the vocation of a baker which would authorize the Legislature to restrict his freedom of contract and that therefore section 110 was unlawful. Laws of that character, he said, should not escape the scrutiny of the courts merely because they are made to assume the guise of police regulations.

Unlawful discrimination, Judge O'Brien said, was also contained in the law, in contravention of the Federal Constitution. There was nothing, he found, in the face or the manifest operation of the statute to show that it had any relation to the public health. The Legislature classified it as a labor law and nothing else. Every labor law, he said, however stringent or arbitrary, could be just as well upheld on the ground that it is a health law.

Judge Bartlett, taking the same view, pointed out that the vocation of a baker should not be confounded with those that are well known to be dangerous to life and health. "The family baker," he said, "is engaged in the necessary and highly appreciated labor of producing bread, pies, cakes and other commodities more calculated to cause dyspepsia in the consumer than consumption in the manufacturer."

The effect of the decision of the United States Supreme Court must necessarily be to deter the Legislature of this and other States from enacting special or general laws restricting the hours of labor, except where it is well known that the vocation is one dangerous to the public health or the health of the laborer.

Many lawyers and judges declared yesterday that the Washington decision must be, from its very nature, most important and era making, but until they had read its terms and digested it none would commit himself to say what its particular effect might be on present or future labor legislation.

STILL DEMAND 10 HOUR DAY.

Bakers Talk of Striking on May 1 Unless Employers Sign an Agreement.

A strike of 85,000 bakers throughout the United States may result, it was said by labor men last night, from the decision of the United States Supreme Court overthrowing the ten hour law. International Secretary Frank H. Harzbecker of the Journeymen Bakers and Confectioners' International Union said yesterday that there would be a fight all along the line if the ten hour day demand is refused on May 1. Secretary Harzbecker is circulating a resolution adopted by the international executive board, calling for the general enforcement of the ten hour day on May 1.

Business Manager George Krebs of Bakers' Union 164 said yesterday: "The unions will continue to fight for the ten hour day, in spite of all opposition by the employing bakers or the courts. The Supreme Court decision will be no setback to us. We will continue the ten hour fight."

Business Agent Robert Urban of Bakers' Union No. 3 said: "We will keep up this ten hour fight in defiance of the United States Supreme Court."

The 3,000 journeymen bakers in this city threaten to strike May 1. They have an agreement with their employers which expires at that time and they want the agreement renewed. The employers are willing to pay union wages, but do not want an agreement.

SUPREME COURT DECISIONS.

George W. Beavers Must Go to Washington for Trial.

WASHINGTON, April 17.—The Supreme Court to-day held in effect that George W. Beavers could be removed to Washington for trial on charges of conspiracy to defraud the Government in contracts for postal supplies. Beavers was also indicted in Brooklyn, but when the courts there desired to surrender him to the courts in this city he applied for writs of habeas corpus to prevent removal. These writs were denied, and it was the appeals from those denials that the court to-day dismissed.

The Supreme Court held also that J. A. Benson should be removed from New York to this city for trial on the charge of bribing officials of the General Land Office in connection with the land frauds investigation.

The validity of the Missouri law providing for an inspection of beer imported into that State was affirmed by the court by a bench divided 5 to 4. The appeal was brought by the Pabst Brewing Company of Milwaukee on the ground that the charge for the inspection constituted a tax on interstate commerce.

The opinion of the majority, delivered by Justice White, held that it made no difference whether it was in reality an inspection law or a revenue law, for under the so called Wilson act liquor brought into a State became subject to its police regulations and the State could suppress or permit traffic in it as it saw fit, just as it could with domestic liquors. To hold otherwise would be to destroy the Wilson act and overrule the previous decisions of the court.

Chief Justice Fuller and Justices Brewer, Brown and Day dissented, holding that the law was not passed in good faith as an inspection law and constituted a burden on interstate commerce.

Chief Justice Fuller announced a recess of the court from Thursday next until Monday. The call of the docket for the present term will be suspended on April 28, and the court will take a recess from May 1 to May 15, with another recess from the latter date until May 29, when the present term will end.

The tax levied by the State of Kentucky on shares of national banks doing business in that State, and requiring the banks, under penalty, to make returns of its shares whether owned in or out of the State was to-day held by the Supreme Court to be invalid, as being in violation of the Federal law prohibiting legislation which discriminated against national banks. The law did not apply to State banks and was, therefore, discriminatory.

TO HONOR PAUL JONES'S BODY.

A Full Squadron of Warships to Escort It to This Country.

WASHINGTON, April 17.—The ceremonies attendant upon the bringing of the body of John Paul Jones from France to this country will be magnificent and imposing, according to the plans which are forming now. It has been decided to send a full squadron of warships to France to transport the body to the United States.

It has not been decided just which vessels will be sent, but there will probably be at least half a dozen of the big warships of the navy. Neither has the final resting place of the body been decided upon.

Movements of Naval Vessels.

WASHINGTON, April 17.—The cruiser Brooklyn has arrived at Santo Domingo City, the collier Leonidas at Norfolk, the cruiser Detroit at San Juan, the gunboat Elcano at Shanghai, the collier Cæsar at Culebra, the gunboat Petrel at San Diego and the destroyer Truxtun at Key West.

The cruiser Columbia has sailed from Annapolis for Vera Cruz, the gunboat Castine from Santo Domingo City for St. Thomas via Samana, the cruiser Yankee from Sanchez for Samana, the cruiser Ranger from Bremerton for Mare Island, the battleship Ohio from Honolulu for Guam, the destroyer Worden from Pensacola for Key West, the cruiser Marblehead from Colinto for San José Guatemala and the supply ship Supply from Yap for Guam.

Washington Society Notes.

WASHINGTON, April 17.—Major-Gen. and Mrs. Frederick D. Grant have been the guests for a few days of Major and Mrs. Edward Burr at their quarters in the Washington barracks. They returned to New York to-day.

Mrs. Fairbanks is entertaining a house party this week composed of Mrs. Francis Leggitt of Wisconsin, Mrs. Crosman of New York, Mrs. Hugh Nelson Page of Virginia and Mrs. and Miss Carey of Indianapolis.

Brig.-Gen. and Mrs. James Bell, U. S. A., have taken an apartment in Washington, to remain until June.

RAILROAD RATE QUESTION.

SENATE COMMITTEE TO START TAKING TESTIMONY TO-DAY.

All the Principal Railroads and Many of the Shippers to Be Heard—The Committee Determines to Go Thoroughly into Every Phase of the Subject.

WASHINGTON, April 17.—The Senate Committee on Interstate Commerce held a two hours executive session to-day and decided to start in to-morrow gathering evidence to help it prepare a bill intended to give a greater amount of Federal control over railway rates. Twenty witnesses have been summoned and more will probably be heard.

Senator Elkins, the chairman, and seven other members of the committee were present. They were Senators Cullom, Kean, Dolliver, Foraker and Clapp, Republicans, and Carmack and Newlands, Democrats. Chairman Elkins announced that he had notified all the principal railroads that they would be heard if they desired, and that notice had been given that shippers and others who would like to give the committee the benefit of their views would be heard also.

Mr. Elkins said that Attorney-General Moody would shortly render an opinion as to the constitutionality of certain proposals affecting the railway rate question, and in answer to a question he said that he understood that the Attorney-General would hold that Congress had the right to delegate to the Interstate Commerce Commission or other body the right to fix rates.

Mr. Moody will give an opinion also as to whether, if rates fixed by the Interstate Commerce Commission are held to be discriminate or in favor of one American port against another American port, they will not be in conflict with that clause of the Constitution which apparently forbids such discrimination.

The committee has determined to go thoroughly into every phase of the railroad questions which have recently been the subject of newspaper and political agitation, including terminal facilities and the operation of private car lines.

Senator Newlands read a statement to the committee in support of his joint resolution "creating a commission to frame a national incorporation act for railroads engaged in interstate commerce." Mr. Newlands said it was his purpose to ascertain the views of witnesses on the question of national incorporation, taxation and regulation of railroads, and on other points covered by his resolution, with a view to preparing a comprehensive bill that would unify and simplify the railway systems of the country under national charter, increase the security of railway investments, inaugurate a simple and just system of taxation, protect the shippers against unjust or discriminating rates, and provide for an insurance or pension fund for employees and for arbitration of disputes between the railroads and their employees. He explained his scheme in detail.

A communication on the rate question from Senator Morgan of Alabama was also laid before the committee.

Some members of the committee thought that the hearings should be finished by May 1, but others believed that it would be necessary to sit until June, and it was urged that it would be a good idea to have the hearings extended until the meeting of the International Railway Conference is begun here on May 12, when delegates could be summoned before the committee.

The committee agreed to meet daily at 11 o'clock and sit until 5, with an hour's intermission for luncheon.

Victor Marowetz of New York, who represents the Dutch holders of Santa Fé railroad bonds, will be the first witness.

TWO PARK AVENUE CASES.

U. S. Supreme Court Assigns Them for Hearing Next Week.

WASHINGTON, April 17.—Attorney Edward Winslow Paige, counsel for the New York Central Railroad, to-day asked the Supreme Court to restore to the docket for argument the cases of Alice I. Burrell and Patrick Kierns against the New York and Harlem and New York Central Railroads, which were temporarily passed over pending the court's decision in the Muhlker case announced last Monday.

All three cases involved the same questions—whether the railroad companies are responsible for damages to property on Park avenue, New York city, due to the elevation of the Central's tracks. By a divided bench the court declared the companies responsible, on the general ground that it was a violation of the inalienable rights of property to easements of light and air.

Mr. Paige wished, in view of the importance of the questions involved, that the cases be heard at the present term.

Counsel Blackman for the opposition, desired the date set for as late a day as possible, as it had been expected that the two cases would be controlled by the Muhlker case.

Chief Justice Fuller assigned them for hearing at the foot of the call for Thursday next, which would bring them up the following week.

Mr. Paige also announced that he would ask for a rehearing in the Muhlker case the same time, as a new question, involving another statute of New York bearing on the case, would be passed upon.

Argument on the Validity of the Franchise Tax Law.

WASHINGTON, April 17.—Arguments were begun this afternoon on seven cases brought to test the validity of the Special Franchise Tax law of New York. The time for the arguments, on motion of Elihu Root, was extended to seven hours, three and a half hours on a side. The corporations represented are the Metropolitan, the Twenty-third Street, the Central Crosstown, the Brooklyn City and the Coney Island and Brooklyn Railroad companies and the New Amsterdam and Consolidated Gas companies. William D. Guthrie of counsel for the three companies first named opened the argument, but he had not proceeded far when the court adjourned until to-morrow.

PENSION REVIEWERS MUST GO.

They Have the Choice of Resignation or Dismissal.

WASHINGTON, April 17.—The pension examiners composing the Board of Review that passed upon and granted pensions to members of Col. McLane's regiment of Erie, Pa., have the choice of two courses open to them, neither of which is very alluring from their standpoint. They may either resign or they may wait until they ar dismissed. No official action in their cases has yet been taken by Pension Commissioner Warner, but they have been informed that unless they resign their services will be dispensed with. Commissioner Warner has reached the conclusion that there is no intermediate course open to him.

The following are the members of the board, the States from which they were appointed and the salaries they receive: Urbano O. Denison of New York, $2,000; James A. Compton of Ohio, $2,000; Manuel Johnson of New Jersey, $2,000; George T. McWhorter of New York, $2,000; William E. Dulin of North Carolina, $1,800; Roland C. Cheesman of Pennsylvania, $1,800; William Hatton of New Jersey $1,800; George P. Meyer of New York, $1,800; Herbert H. Ray of Wisconsin, $1,800; Ashland B. Swigget of Iowa, $1,800.

Six of these ten men are veterans of the civil war and all of them have been in the service of the Department for more than twenty years. Mr. Denison is the oldest of them, having been connected with the Pension Bureau forty-three years. The youngest in point of service is Mr. Meyer, who has been in the bureau twenty-two years.

The offence for which these veterans of the Government are to lose their places is reporting favorably on application for pensions from men who were members of Col. McLane's Erie regiment, an organization that was never mustered into the service of the United States. This regiment was organized in 1861 when Lincoln's first call for volunteers went out and it camped near Pittsburg. Before it could be accepted Pennsylvania's quota was full and after remaining in camp for three months the regiment was disbanded. Many of its members afterward joined other regiments and served throughout the war.

Some years ago a member of McLane's regiment made application for a pension, based on the service for three months in camp at Pittsburg, and it was refused. At that time the status of the regiment was fixed so far as eligibility to pensions was concerned and every member of the Board of Review should have been cognizant of the facts. It was their business to know that the regiment never having been received into the service of the United States its members were not eligible to pensions.

AT LINCOLN'S DEATHBED.

Three Others Living Besides John Hay and Corporal Tanner.

WASHINGTON, April 17.—In a letter to a local newspaper, A. E. N. Johnson, who was private secretary to Secretary of War Stanton, says that there were twenty-eight persons around President Lincoln's bedside when he died, forty years ago Saturday, and that among those still living are Gen. Thomas T. Eckert of New York, then Assistant Secretary of War and afterward president of the Western Union Telegraph Company, and Gen. Thomas W. Vincent of Washington, who closed Mr. Lincoln's eyes. Another correspondent of the same paper writes that Henry Ulke, a portrait painter, still living in Washington, was present also.

Two Snowstorms in Washington.

WASHINGTON, April 17.—Washington had two snowstorms and a snow flurry to-day.

Army and Navy Orders.

WASHINGTON, April 17.—These army orders were issued to-day:

Major Junius L. Powell, Surgeon, from Fort Hamilton to the Philippines Division.

Major Charles B. Ewing, Surgeon, from Columbus barracks to the Philippines.

Major Henry S. T. Harris, Surgeon, from Fort Slocum to the Philippines.

The following navy orders were issued:

Lieut. W. P. Cronan, from the Petrel to home and wait orders.

Lieut. W. J. Manion, from the Albatross to the Petrel.

Ensign C. R. Train, from the Florida to Asiatic station.

Ensign J. M. Caffery, to the Detroit.

Surgeon J. B. Dennis, from the Detroit to the Surgeon-General of the Navy.

Passed Assistant Surgeon R. E. Ledbetter, from the Dixie to the Detroit.

Assistant Surgeon F. E. Porter, from naval hospital, Norfolk, to the Dixie.

Passed Assistant Surgeon A. Stuart, to naval hospital, Chelsea.

NURSE TO WED NURSE.

Courtship Under Difficulties in the Erysipelas Ward.

The erysipelas ward of Bellevue Hospital, standing apart from all the other buildings at the southeast corner of the grounds, at the edge of the East River, and within a dozen feet of the Morgue, scarcely offers such inducements to lovers as the garden of the Capulets, but it has a balcony on which the moon shines, 1st as Jenerously as in old Verona.

Last June Miss Madge Connors, a nurse, cared for the women patients on the second floor of the solitary brick building. On the first floor Arthur W. Bielby, also a nurse, watched the temperatures of a dozen men with bandaged faces.

Late one night Miss Connors stepped onto the balcony for a view of the moon that was rising over Long Island City. At that moment Bielby was sitting on the steps of the pavilion, brooding over the solitude of the place and wishing the Morgue weren't so near.

Suddenly a stethoscope dropped at his feet. A glance upward in the moonlight revealed the owner of the instrument.

"Will you tie it to a string if I'll lower one to you," she asked.

"With pleasure," he replied.

The stethoscope was quickly returned to the balcony. She thanked him. He said he was glad he could oblige her.

The moon shone on for many nights, and the balcony and the steps were not deserted, it is said. At any rate the marriage of Miss Connors and Mr. Bielby has been announced for April 26, in the Church of the Holy Name, Brooklyn, of which Miss Connors is a member. The couple will reside in Binghamton, Mr. Bielby's home town.

Both the bride-elect and her future husband were graduated from the training school for nurses last fall.